

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
Oral DNA swabs and to be collected from the person of
JOSE GONZALEZ,
SSN XXX-XX-4166, YOB 1992

Case No. MR 24-1296

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is attached hereto and incorporated herein.

located in the _____ District of New Mexico, there is now concealed (identify the person or describe the property to be seized):

A sample of DNA by way of two buccal (cheek) swabs.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

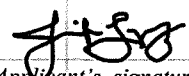
The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Possession of a firearm and ammunition by a convicted felon

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

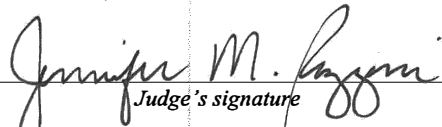

Applicant's signature

Jennifer Lopez, FBI Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephonically sworn and electronically signed (specify reliable electronic means).

Date: 07/10/2024

City and state: Albuquerque, New Mexico


Judge's signature

Jennifer M. Rozzoni U.S Judge Magistrate
Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

INTRODUCTION AND AGENT BACKGROUND

1. I, Jennifer Lopez, being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of, JOSE GONZALEZ, a.k.a., "Cochino" (born in 1992, hereinafter GONZALEZ) to collect a DNA sample by way of two buccal (cheek) swabs.

2. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been a law enforcement officer for more than 4 years. I am assigned to the FBI Albuquerque Field Office, Violent Gang Task Force (VGTF), where I primarily investigate violent street gangs, violent repeat offenders and criminal enterprises engaged in violations of the Controlled Substances Act, firearms violations, murder, racketeering and other violations of Federal law. My investigative training and experience include, but is not limited to, interviewing subjects, targets, and witnesses, writing affidavits for and executing search and arrest warrants, collecting evidence, conducting surveillance, and analyzing public records. I was a police officer where I became a certified Drug Recognition Expert before joining the FBI.

3. Over the course of my career, I have arrested numerous persons for offenses relating to drug possession and distribution, driving while intoxicated and or driving under the influence (DWI/DUI), firearm violations, assaults and other criminal conduct.

4. This affidavit does not set forth all of my knowledge or summarize all of the investigative efforts in this matter; however, this affidavit sets forth only the facts that support probable cause for the limited search of the body of GONZALEZ, for the purpose of collecting a DNA sample. Any observations referenced herein that I did not personally witness were relayed to me in oral or written reports by law enforcement officers who assisted in the investigation of GONZALEZ.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

5. The VGTF is currently investigating GONZALEZ for a violation of 18 U.S.C. § 922(g)(1) Possession of a Firearm and Ammunition by a Convicted Felon.

6. On January 31, 2024, at approximately 0600 hours, members of the FBI, including the VGTF and Metropolitan Detention Center (MDC) Security Threat Intelligence Unit officers, executed a search warrant at GONZALEZ's residence, 10115 Range Road SW, Albuquerque, NM 87121. The search warrant was issued on January 29, 2024 and authorized agents to search for federal firearm and drug violations, in violation of 18 U.S.C. §§ 922(g), 924(c), and 2, and 21 U.S.C. §§ 856, 846, and 841(a)(1), Case Number 24-MR-171.

7. Upon searching the residence, agents located the following:

- a. Sig Sauer model P320 M17 pistol in 9mm Serial #: M17- 120813 (later found stolen per NCIC);
- b. Sig Sauer model P229 Elite in 9mm Serial #: 55B005967 (later found stolen per NCIC);
- c. Rock Island Armory model RIA pistol in .45 caliber, Serial #: RIA1713002;
- d. Jiminez Arms Inc model JA380 pistol in .380 caliber, Serial #: 289277 (later found stolen per NCIC);
- e. Springfield Armory Model Saint AR-15 in .223/.556 caliber Serial #: ST436567;
- f. AR-15-style suspected machine gun in .223 caliber with no serial number
- g. A box of green leafy substance contained in a plastic bag;
- h. Ammunition;
- i. A clear liquid in a small bottle with a label stating Morphine;
- j. a small bag containing a white powdery substance of suspected narcotics;

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

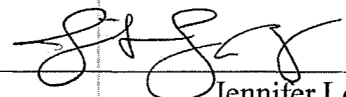
- k. And a bag with blue pills marked M30 that, when field tested, yielded a presumptive positive result for fentanyl;
8. The above items, including all firearms were seized and entered into FBI evidence.
9. I later caused a search of the ATF National Firearms Registry for seized item "f" and the ATF emailed back and the result is that GONZALEZ and the firearm were not registered with the National Firearms Registry.
10. As FBI Agents executed the search warrant, an adult female along with 4 children came out of the residence and complied with FBI personnel and instructions. The adult female claimed to own some of the above-listed firearms, but disclaimed ownership of others. She stated GONZALEZ comes and goes due to relationship issues and mentioned he was there the day prior and left for the night.
11. From my training and experience, I am aware that DNA evidence suitable for comparison may be found on the above-listed firearms. Because of GONZALEZ's connection to the firearms as described above, I believe his DNA may be able to be found on some or all of those firearms. When agents send firearms to be tested for a possible DNA match, the FBI laboratory requires a new DNA sample also be sent, even if the suspect for comparison is already in a DNA database. I intend to send those items to the FBI laboratory for DNA testing. I will request the FBI laboratory compare any potential DNA found on the six firearms seized from the scene to GONZALEZ's DNA. This process is in line with FBI and U.S. Department of Justice protocols. As such, I am requesting authorization to collect a DNA sample from GONZALEZ by buccal (cheek) swabs.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

CONCLUSION

12. Based on the aforementioned information, I submit that probable cause exists to search GONZALEZ, to collect a DNA sample by two buccal swabs; pursuant to Rule 41 of the Federal Rules of Criminal Procedure. This affidavit has been reviewed by Supervisory Assistant United States Attorney Paul Mysliwec.

Respectfully submitted,



Jennifer Lopez
FBI Special Agent

Subscribed electronically and sworn telephonically on July 10, 2024.



JENNIFER M. ROZZONI
UNITED STATES MAGISTRATE
JUDGE DISTRICT OF NEW MEXICO

ATTACHMENT A

Property to be seized

Two DNA buccal swabs from the person known as Jose GONZALEZ , a.k.a. "Cochino." A color photograph is contained below.

